

REMARKS/ARGUMENTS

Claims 1-24 stand in the present application, claims 1-8, 11, 14 and 16-24 having been amended. Reconsideration and favorable action is respectfully requested in view of the above amendments and the following remarks.

In the Office Action, the Examiner has objected to claims 1, 4, 5-8, 11, 14 and 16-24 for a number of informalities. As noted above, Applicants have corrected the English spellings of "initialize" and "programme" in order to overcome the Examiner's objections to the claims.

The Examiner has rejected claims 20-22 under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. As noted above, Applicants have amended claims 20-22 and in view of those amendments it is respectfully submitted that the claims now more clearly define patentable subject matter.

The Examiner has rejected claims 1-24 under 35 U.S.C. § 102(b) as being anticipated by Shiragaki. Applicants respectfully traverse the Examiner's § 102 rejection of the claims.

Shiragaki discloses a system in which there are only two components, one receiving data from the other. Accordingly, any given component will receive status data from only one other component. Therefore, Applicants' claimed requirement of making a comparison using the status data received from other components cannot occur in Shiragaki.

Moreover, even if status data were received from more than one other component, a comparison using the status data from different components would not be meaningful, because the status data only indicates that an event has taken place, for example, that one component has reached the stage in the recovery process immediately the stage at which a main signal is switched. See Shiragaki at paragraph [0172]. In Applicants' invention, the comparison of status data is used to prioritize the components so that they can be initialized in order of their relative priority. However, in Shiragaki, the prioritization is not done on the basis of the received status data but is determined as indicated at paragraph [0200]. For these reasons, Shiragaki does not anticipate any of the present claims.

Therefore, in view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all of claims 1-24, standing in the application, be allowed and that the case be passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a supplemental response or an Examiner's amendment, the Examiner is respectfully requested to contact the undersigned at the local telephone exchange indicated below.

McKEE, et al.
Appl. No. 10/552,474
July 2, 2009

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:


Chris Comuntzis
Reg. No. 31,097

CC:lmr
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100